(4)

SINGLE BENCH

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 1000 /2006

PETITIONERS

1. J.L. Patanwar, son of Shri Chaitram Patanwar, aged about 47 years, resident of RES Sub Division, Janjgir, Distt. Janjgir-Champa (C.G.)(
2. J.S. Pandey, son ofLate Shri B.L. Pandey, aged about 48 years, Resident of RES Sub Division Pendra Road, Distt. Bilaspur (C.G.)
3. D..P. Chandrakar, son of Shri K.P. Chandrakar, aged about 53 years, resident of RES Sub Division, Korba, District Korba (C.G.)
4. A.K. Verma, aged about 54 years, son of Shri N.K. Verma, RES Sub Division, Ramanujnagar, Distt. Surguja (C.G.)
5. R.P. Sahu, son of Shri L.P. Sahu, aged about 46 years, resident of RES Sub Division Champa, District Janjgir-Champa (C.G.)
6. Sukhdas Manikpur, aged about 51 years, son of Late Shri P.D. Manikpuri, resident of RES Sub Division Sitapur, District Ambikapur (Surguja)
7. R.M Agrawal, aged about 46 years, son of Shri Fateh Chand Agrawal, resident of RES Sub Division Kota (Katghora) District Bilaspur (C.G.)
8. G.P. Maheshwari, son of Late D.R. Maheshwari, aged about 45 years, resident of RES Sub Division Kota, District Bilaspur (C.G.)
9. Gajanand Singh Rahi, son of Shri Phool Singh Rahi, aged about 50 years, resident of RES Sub Division, Wadrafnagar, District Ambikapur (Surguja)
10. Hari Om Sharma, son of Shri D.N. Sharma, aged about 42 years, resident of RES Sub Divisioni Saraipali, Distt. Mahasamund.

P.R. No. 1092/06 Presented by Shri K.S. Parmar dated 25/7/06

RECEIVED-COPY 27/2/06 CLERK to A. G. BILASPUR

Amended as per court order dt. 25/4/06 in Court room

P.R. Patankar 27/4/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Panchayat Evam Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur (C.G.)
2. The Secretary, Water Resources Department, D.K.S. Bhawan, Raipur.
3. The Development Commissioner, Chhattisgarh Raipur (C.G.)

Respondent No.4 : B.M.Vaishnav, Assistant Engineer, Water Resources Department, Posted in the office of Executive Engineer Japra Division No.1, Raipur(CG)

Respondent No.5 : G.L.Sharma, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Raipur (C.G.)

Respondent No.6 : Suresh Chand Diwan, Assistant Engineer, Water Resources Department, Posted in the office of Executive Engineer, Sunela, Division Dongargaon, Distt. Rajnandgaon)C.G.).

Respondent No.7 : S.B.P. Singh, Assistant Engineer Water Resources Department, Posted in the Office of Executive Engineer, Sunala, Division Dongargaon, Distt: Rajnandgaon (C.G.)

Respondent No.8 : S.S.Hasan, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Division No.2 Ambikapur, Distt: Surguja (C.G.)

Respondent No.9 : B.Neelkanth, Assistant Engineer Water Resources Department, Posted in the office of Executive Engineer, Division No.1, Ambikapur, Distt: Surguja (C.G.)

Respondent No.10 : Laxmi Chand Wanwate, Assistant Engineer, Water Resources Department, Posted in the office of Executive Engineer, Mini Mata, Division No.1, Ambikapur Distt: Surguja(C.G)

Respondent No.11 : C.L.Dhakar, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Division Marwahi, Distt: Bilaspur(C.G.)

Respondent No.12 : Debraj Agrawal, Assistant Engineer, Water Resources Department, Posted in the Office of Chief Engineer, Mini Mata, Bango Project, Bilaspur (C.G.)

Respondent No.13 : L.K.Lariya, Assistant Engineer Water Resources Department, posted in the office of Chief Engineer, Haddeo Kachar Bilaspur (C.G.)

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Respondent No.13 : L.K.Lariya, Assistant Engineer Water Resources Department, posted in the office of Chief Engineer, Haddeo Kachar Bilaspur (C.G.)

Respondent No.14 : S.K.Barman, Assistant Engineer, Water Resources Department, Posted in the Office of Chief Engineer, Mini Mata, Bango Project, Bilaspur (C.G.)

Respondent No.15 : R.K.Asathi, Assistant Engineer, Water Resources Department, Posted in the Office of Superintending Engineer, Mini Mata, Hasdeo Bango Canal, Janjgir, Distt. Janjgir-Champa (C.G.)

Respondent No.16 : Ajit Singh Bhadoria, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Hasdeo Baraj, Japra Division Korba

Respondent No.17 : R.K.Thakur, Assistant Engineer Water Resources Department, Posted in the Office of Executive Engineer, Hasdeo Baraj, Japra Division Rampur Korba

Respondent No.18 : Tribhuwan Singh Sidar, Assistan Engineer, Water Resources Department, Posted in the Office of Executive Engineer Mini Mata Bango Canal Division. Kharsia, Distt: Raigarh (C.G.)

Respondent No.19 : B.R.Gond, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Division Dharamjaigarh, Distt. Raigarh (C.G.)

Respondent No.20 : R.K.Sahu, Assistant Engineer, Water Resources Department Posted in the Office of Executive Engineer, Division Kondagaon, Distt. Bastar(C.G)

Respondent No.21 : S.L.Chourey, Assistant Engineer Water Resources Department Posted in the Office of Executive Engineer, Dam Division No.2, Rudri, Distt: Dhamtari (C.G.)

Respondent No.22 : B.R.Sahu, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Water Management Division, Rudri, Distt: Dhamtari (C.G.)

Respondent No.23 : M.L.Dhruv, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Water Management Division, Rudri, Distt. Dhamtari (C.G.)

Respondent No.24 : Aftab Alak Siddique, Assistant Engineer, Water Resources Department, Posted in the office of Executive Engineer, Water Management Division, Dhamtari (C.G.)

Respondent No.25 : Sanjay Kumar Agrawal Assistant Engineer, Water Resources Department, Posted in the office of Executive Engineer, Water Management Division, Rudri, Distt. Dhamtari (C.G.)

Respondent No.26 : R.K.Ramaria, Assistant Engineer Water Resources Department, Posted in the Office of Executive Engineer, M.J.P.Dishnet Division No.3, Tilda, Distt.Raipur (C.G.)

Respondent No.27 : G.R.Suri, Assistant Engineer, Water Resources Department, Posted in the office of Executive Engineer, Dam Division No.2, Rudri, Distt. Dhamtari (C.G.)

Respondent No.28 : P.L.Pant, Assistant Engineer, Water Resources Department, Posted in the office of Superintending Engineer, Mini Mata Bango Canal Circle No.2, Janjgir- Champa (C.G.)

Respondent No.29 : K.P.Singh, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Division Janjgir-Champa.

Respondent No.30 : Kunj Bihari Dewangan, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Hasdeo Canal, Water Management Division, Janjgir (C.G.)

Respondent No.31 : I.A.Siddique, Assistant Engineer, Water Resources Department, Posted in the Office of Executive Engineer , Mini Mata Bango Canal Division No.2, Champa Distt. Janjgir-Champa (C.G.)

Respondent No.32. : M P.N.Soni, Assistant Engineer Water Resources Department, Posted in the Office of Executive Engineer, Mini Mata Bango Dam Division No.5, Kharisa, Dist. Raigarh(C.G.)

Respondent No.33 : Krishna Rao, Assistant Engineer Water Resources Department, Posted in the office of Executive Engineer, Hasdeo Canal Water Management Division Janjgir.

Respondent No.34 : K.S.Markam, Asst.Engineer Water Resources Department, Posted in the Offtee of the Executive Engineer, Division Raigarh (C.G.)

Respondent No.35 : P.P.Charhar, Assistant Engineer Water Resources Department, Posted in the office of Superintending Engineer Mini Mata Bango Canal Circle No.2. Janjgir.

Respondent No.36 : K.R.Bhagat, Asst.Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Mini Mata Bango Canal Division No.4, Dhamra, Dist. Janjgir-Champa (C.G.)

Respondent No.37 : M.K.Dhruv, Assistant Engineer Water Resources Department Posted in the Office of Chief Engineer, Mahanadi Project, Raipur(C.G.)

Respondent No.38 : Tej Ram Sahu, Asst.Engineer Water Resources Department Posted in the office of Chief Engineer, Mahanadi, Tank Project, Raipur (C.G.)

Respondent No.39 : Tara Chand Verma, Asst. Engineer, Water Resources Department, Posted in the Office of Chief Engineer, Mahannadi Tank Project, Raipur.

Respondent No.40 : R.S.Diwan, Assistant Engineer Water Resources Department, Posted in tae Office of Executive Engineer, Mahanadi Tank Project, 2nd Stage Work , Division Raipur.

Respondent No.41 : B.R.Rathore, Asst.Engineer, Water Resources Department, Posted in the Office of Executive Engineer, Canal Division No.2, Champa(C.G.)

Respondent No.42. : Abdul Salim, Asst.Engineer, Water Resources Department, Posted in the office of Chief Engineer, Hasdeo Kachar, Bilaspur(C.G.).

(9)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14-7-2006

W.P.Nos.1000/2006, 968/2006, 970/2006, 971/2006, 973/2006, 974/2006, 1034/2006, 1173/2006, 1182/2006, 1241/2006, 1242/2006 & 2929/2006.

Petitioners by Shri P. Diwakar & Shri Manindra Shrivastava, Senior Advocates with Kum. Sunita Jain, Shri Afroz Khan, Shri Anup Mazumdar, Shri Rajesh Jain, Smt. Yashita Maseeh on behalf of Smt. Hamida Siddique, Shri Manoj Paranjpe, Advocates.

Shri Rajeev Shrivastava, counsel for respondent No.4 in W.P. No.971/2006.

Shri Pankaj Shrivastava, counsel for respondents No.12, 18 & 30 in W.P.No.1000/2006.

Shri Vinay Pandey, counsel for respondents No.13, 32 & 42 in W.P. No.1000/2006.

State/respondents by Shri P.K. Verma, Additional Advocate General with Shri V.V.S. Murthy & Shri G.K. Beriwal, Deputy Advocate Generals and Shri Sumesh Bajaj, Government Advocate.

Shri R.P. Mandal, Secretary, Panchayat & Rural Development Department; Shri N.S. Bhadoriya, Engineer-in-Chief, Water Resources Department; Shri M.L. Haldkar, CEO, CGRRDA; Shri S.K. Gupta, Chief Engineer, Rural Engineering Services; Shri S.N. Shrivastava, Superintending Engineer, PMGSY, Circle: Raipur & Officer-in-Charge, and Shri Subodh Shrivastava, Executive Engineer, Water Resources Departments & Officer-in-Charge are present in Court.

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Heard.

By these writ petitions, the petitioners, who are working on various posts in the Department of Rural Engineering Services, have questioned the legality and correctness of orders dated 17-2-2006 and 12-6-2006, whereby the Sub-Engineers of Water Resources Department have been appointed/ transferred in the Rural Engineering Services Department.

As far as the impugned orders dated 17-2-2006 & 12-6-2006 are concerned, same are already quashed vide order dated 14-7-2006 passed in W.P.Nos.1103/2006 & 2921/2006 and similar other connected petitions.

As far as the prayer made by the petitioners that respondent No.1 be directed not to post any person on deputation in the RES Department, is concerned, Shri Pramod Verma & Shri V.V.S. Murthy made a statement at the Bar that the Department is not going to appoint any Officer by way of deputation/appointment/transfer on any post of the Rural Engineering Services Department which are regular sanctioned posts as per scheduled attached with the rules and are lying vacant.

Therefore, in view of the statement made at the Bar by Shri P.K. Verma and Shri V.V.S. Murthy in presence of the Officers of the State, the petitions are allowed to the extent that the existing post of RES Department shall not be filled by way of deputation/transfer/appointment by bringing officials from the other Departments.

As far as the prayer that the respondents be directed to convene DPC and fill up the promotional posts which are lying vacant, is concerned, at the first instance, the respondents have already made it clear in reply that they

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

are going to fill up these posts. Even today, at the Bar, a statement has been made that the Department is in the process of filling up of these posts by way of promotion, in accordance with the rules. Therefore, in view of the above statement, the relief claimed by the petitioners' stands answered.

In the above terms, the petitions are allowed and orders dated 17-2-2006 & 12-6-2006 are quashed

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma